1950.

K

File No. B. Bomb. Munis Corpn 50

Legal Dept

B BRANCH

Subject:— A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949

L. A. Bill No. LIX of 1950

Bom. Act No. XLII of 1950

P-10

B. Bomb. Munis Corp/50

File No.

Gen. 194

813-B

Legal Department.

A requisite draft Bill is sent herewith.

The subject matter of the Bill falls under entry 6 in List II in the Seventh Schedule to the Constitution. The Bill does not require any sanction or recommendation.

O.C. Sd/-

Additional Secretary to Government.

U.R. to L.S.G.&. P.H.D. No. 13358 dated 20th September 1950.

C.G.R. 23-6

C 5

IMMEDIATE. No. 15912
Legal Department,
Bombay Castle (Bombay No.1), 14th November 1950.

From

Shri J.R. Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Provincial Municipal Corporations (Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Provincial Municipal Corporations (Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 25th and the 26th October 1950, respectively.

2. The subject-matter of the Bill falls under entry 5 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4 .....

4. I also forward herewith one copy of each of the items

1.	Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1, 2 and 4 and two copies of item No. 3
2.	Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legilsative Council.	
3.	Bill as read for the third time and passed by the Bombay Legislative Council.	
4.	Extracts from the proceedings of the Bombay Legislative Assembly dated the 25th October 1950 and of the Bombay Legislative Council dated the 26th October 1950.	

of the papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Sd/-

Additional Secretary to Government

Through:

The Secretary to the Government of Bombay,
Local Self Government and Public Health
Department.

C.G.R. 23-6

C 5

No. G.S.- 3481

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,
Legal Department.

Government House,
Bombay, Novb. 17 , 1950.

Subject: The Bombay Provincial Municipal Corporations (Amendment) Bill, 1950.

Sir,

With reference to your letter No. 15912, dated November 14, 1950, I am directed to return herewith the authentic copy of the Bombay Provincial Municipal Corporations (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/-
Secretary to the Governor of Bombay.

C.G.R. 23-6

C 5

Acts: Publication of the Bombay Provincial Municipal Corporations (Amendment) Act, 1950.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 16322

Bombay Castle, 21st November 1950.

Letter to the Secretary to the Governor, No. 15912, dated the 14 November 1950.

Letter from the Secretary to the Governor, No. G.S.3481, dated the 17th November 1950.

"With reference to your letter No. 15912, dated November 14, 1950, I am directed to return herewith the authentic copy of the Bombay Provincial Municipal Corporations (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No. XLII of 1950, in the Bombay Government Gazette dated the 22nd November 1950.

2. The Act should be translated into Marathi, Gujarati, Kannad and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Local Self Government and Public Health Department.

By order of the Governor of Bombay.

Sd/- (S.L. Chaudhari),
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Local Self Government and Public Health Department,
The Oriental Translator to Government (with four extra copies of the Act),
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.
) with a copy of the Act

C.G.R. 23-6

C 6

REGISTERED No. B-1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY
WEDNESDAY, 18TH OCTOBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. LIX OF 1950.

A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949.

Bom. LIX of 1949.

Whereas it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1950.

Bom. LIX of 1949.

Amendment of Appendix IV to Bom. LIX of 1949.

2. After paragraph 6 of Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, the following shall be inserted, namely :—

Special conditions for erection and re-erection of buildings, etc., in certain areas.

"6A. (1) Notwithstanding anything contained in this Act, until by-laws are made under section 458 or until the expiration of one year from the date on which any local area is constituted or included in a City under section 3, whichever is earlier, the Corporation may prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings and other matters relating to buildings in the area constituted or included in a City or any part thereof.

(2) No person shall erect or re-erect any building or commence the execution of any work in contravention of any such conditions."

STATEMENT OF OBJECTS AND REASONS.

Section 458 of the Bombay Provincial Municipal Corporations Act, 1949, empowers a Corporation to frame buildings by-laws for the Corporation area. As it takes time for a new Corporation to frame such by-laws, a transitory provision has been made in the Act to the effect that until such by-laws are framed, the regulations framed by any local body, which existed in the area before its inclusion within the Corporation, shou'd continue to remain in operation. A difficulty, however, arises when by-laws under section 458 of the Act are not framed and in the particular area included in the Corporation, there are no building regulations in force because there was no local body having jurisdiction over that area. If such a contingency arises, there is a danger that haphazard building activity will go in such areas. It is considered desirable that such a contingency should not be allowed to arise. It is accordingly proposed to empower a Corporation to prescribe special conditions with respect to the erection of buildings, etc., in such areas until by-laws are framed under section 458 of the Act or until the expiration of one year from the date of inclusion of such areas within the Corporation.

The Bill proposes to achieve the above object.

(Signed) G. D. VARTAK.

Dated the 17th October 1950.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 17th October 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LIX OF 1950.

A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949.

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows :— Bom. LIX of 1949.

1. This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1950. Short title.

2. After paragraph 6 of Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, the following shall be inserted, namely :— Amendment of Appendix IV to Bom. LIX of 1949.

"6A. (1) Notwithstanding anything contained in this Act, until by-laws are made under section 458 or until the expiration of one year from the date on which any local area is constituted or included in a City under section 3, whichever is earlier, the Corporation may prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings and other matters relating to buildings in the area constituted or included in a City or any part thereof. Special conditions for erection and re-erection of buildings, etc., in certain areas.

(2) No person shall erect or re-erect any building or commence the execution of any work in contravention of any such conditions.".

MO-1 Bk Hb 338—1

STATEMENT OF OBJECTS AND REASONS.

Section 458 of the Bombay Provincial Municipal Corporations Act, 1949, empowers a Corporation to frame buildings by-laws for the Corporation area. As it takes time for a new Corporation to frame such by-laws, a transitory provision has been made in the Act to the effect that until such by-laws are framed, the regulations framed by any local body, which existed in the area before its inclusion within the Corporation, should continue to remain in operation. A difficulty, however, arises when by-laws under section 458 of the Act are not framed and in the particular area included in the Corporation, there are no building regulations in force because there was no local body having jurisdiction over that area. If such a contingency arises, there is a danger that haphazard building activity will go in such areas. It is considered desirable that such a contingency should not be allowed to arise. It is accordingly proposed to empower a Corporation to prescribe special conditions with respect to the erection of buildings, etc., in such areas until by-laws are framed under section 458 of the Act or until the expiration of one year from the date of inclusion of such areas within the Corporation.

The Bill proposes to achieve the above object.

G. D. VARTAK.

Dated the 17th October 1950.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LIX OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949.

[Shri G. D. VARTAK, M.L.A.]

MO-I Bk Hb 338—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 22ND NOVEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

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The following Act of the Bombay Legislature having been assented to by the Governor on the 17th November 1950, is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XLII OF 1950.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 22nd November 1950.)

An Act to amend the Bombay Provincial Municipal Corporations Act, 1949.

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Bom. LIX of 1949.

1. This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1950. Short title.

Bom. LIX of 1949.

2. After paragraph 6 of Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, the following shall be inserted, namely:— Amendment of Appendix IV to Bom. LIX of 1949.

"6A. (1) Notwithstanding anything contained in this Act, until by-laws are made under section 458 or until the expiration of one year from the date on which any local area is constituted or included in a City under section 3, whichever is earlier, the Corporation may prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings and other matters relating to buildings in the area constituted or included in a City or any part thereof. Special conditions for erection and re-erection of buildings, etc., in certain areas.

(2) No person shall erect or re-erect any building or commence the execution of any work in contravention of any such conditions.".

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.